

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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CAROLINE CASEY, et al., \*

\*

Plaintiffs, \*

v. \*

\*

WILLIAM M. GARDNER, Secretary of \*

State of the State of New Hampshire, \*

in his official capacity, et al., \*

\*

Defendants. \*

\*

\*\*\*\*\*

NEW HAMPSHIRE DEMOCRATIC, \*

PARTY, By Raymond Buckley, Chair, \*

\*

Plaintiff, \*

v. \*

\*

WILLIAM M. GARDNER, in his official \*

Capacity as New Hampshire Secretary of \*

State, et al., \*

\*

Defendants. \*

\*

\*\*\*\*\*

Case No. 19-cv-00149-JL  
(Consolidated Cases)

**DEFENDANTS' ASSENTED-TO MOTION  
FOR LEAVE TO SUBMIT A MEMORANDUM OF LAW IN  
SUPPORT OF MOTION TO DISMISS EXCEEDING TWENTY-FIVE PAGES**

Defendants William Gardner, in his official capacity as New Hampshire Secretary of State, and Gordon MacDonald, in his official capacity as New Hampshire Attorney General, by and through their counsel, the Office of the Attorney General, are submitting a 31-page (excluding cover page) memorandum of law in support of their motion to dismiss both complaints in the above-captioned consolidated cases. The Defendants respectfully request that the Court grant them leave to exceed the 25-page limit for such a memorandum under Local Rule

7.1(a)(3), and accept the Defendants' 31-page memorandum. Pursuant to Local Rule 7.1(c), counsel for the Defendants sought the assent of the Plaintiffs' counsel. Counsel for the Plaintiffs assented to the Defendants filing a 31-page memorandum of law.

The Defendants submit that the filing of a 31-page memorandum of law in support of their motion to dismiss is warranted under the circumstances. The Plaintiffs in the consolidated cases are challenging the constitutionality of 2018 House Bill 1264, which altered the definitions of the terms "resident" and "residence" in chapter 21 of the New Hampshire Revised Statutes. The Plaintiffs contend that the definitions contained in HB 1264 restrict the right to vote in violation of (a) the First and Fourteenth Amendments, (b) the Twenty-Sixth Amendment, and (c) the Twenty-Fourth Amendment. The Defendants are submitting one memorandum of law in support of their motion to dismiss both complaints in the consolidated cases. Defendants have made best efforts to keep their memorandum concise, and respectfully submit that, given the detailed analysis required to address the Plaintiffs' constitutional claims, the filing of a 31-page memorandum is warranted and will assist the Court in evaluating the merits of the Plaintiffs' complaints.

WHEREFORE, the Defendants request that the Court:

- A. Grant the Defendants leave to submit a 31-page memorandum of law in support of their motion to dismiss, and accept the Defendants' memorandum submitted contemporaneously herewith; and
- B. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

WILLIAM M. GARDNER, in his official capacity  
as the Secretary of State of the State of New  
Hampshire, and GORDON J. MACDONALD, in  
his official capacity as the Attorney General of New  
Hampshire

By their attorney,

Gordon J. MacDonald  
Attorney General

Dated: May 9, 2019

/s/ Seth M. Zoracki

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2019 I electronically filed the foregoing with the United States District Court for the District of New Hampshire by using the CM/ECF system. I certify that counsel for Plaintiffs Caroline Casey, Maggie Flaherty, and New Hampshire Democratic Party are registered as ECF users and that they will be served via the CM/ECF system.

/s/ Seth M. Zoracki